

FILED
CLERK OF COURT
JAN 16 2004
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECEIPT # _____
AMOUNT \$ 150 -
SUMMONS ISSUED _____
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 908
DATE 1-16-04

PAULA SMOOT,
Plaintiff,

Civil Action No.

MARRIOTT INTERNATIONAL, INC.
d/b/a MARRIOTT HOTELS, RESORTS
and SUITES,
Defendant.

04 cv 10105 GAO

MAGISTRATE JUDGE Alexander

NOTICE OF REMOVAL

Defendant, Marriott International Inc., ("Marriott") files this notice of removal pursuant to 28 U.S.C. Sec. 1446 (a) in order to remove this action from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for the County of Suffolk to the United States District Court for the District of Massachusetts at Boston.

Defendants state the following grounds for removal:

1. Plaintiff, Paula Smoot, commenced this action by serving the attached summons and complaint upon the defendant on December 29, 2003 in Civil Action No. 03-6045H. No motion or responsive pleading has been filed in the state court.
2. Plaintiff is a citizen of the Commonwealth of Massachusetts residing in East Boston, Suffolk County, Massachusetts.
3. Defendant, Marriott International Inc., is a Delaware corporation with a principal office in Bethesda, Maryland.
4. The complaint alleges breach of an employment contract. The plaintiff seeks damages for loss of past and future earnings and reinstatement in employment. Plaintiff's claims of damage can reasonably be expected to exceed the sum of \$75,000.00, exclusive of interest and costs.
5. Since diversity of citizenship is present and the matter in

controversy exceeds \$75,000.00 in value, this case is within the original jurisdiction of this Court under 28 U.S.C. Sec. 1332 and may be removed to this Court by the defendant pursuant to 28 U.S.C. Sec. 1441.

6. This notice is filed within 30 days after receipt by defendant of the attached summons and complaint.

7. Written notice of the filing of this notice will be given to the plaintiff and a copy of this notice will be filed with the Clerk for Civil Business of the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts for Suffolk County.

8. Pursuant to Local Rule 81.1, Marriott will file in this Court, within 30 days after filing this Notice of Removal, certified or attested copies of all records and proceedings in the Suffolk Superior Court and a certified or attested copy of all docket entries in the Suffolk Superior Court.

9. There is attached hereto a copy of all process, pleadings and orders served upon the defendants in this action.

10. Marriott reserves the right to raise all defenses and objections in this action after the action is removed to this Court.

Respectfully submitted,

MARRIOTT INTERNATIONAL, INC.
By its attorney,



Kevin B. Callanan, BBO # 070620
Law Office of Kevin B. Callanan
17 Accord Park Drive, Suite 101
Norwell, Massachusetts 02061
(781) 878-1604

Dated: January 16, 2004

Certificate of Service

I certify that a true copy of the foregoing document was served upon Paul A. Manoff, 47 Winter Street, 4th Floor, Boston, MA 02108 by mail on January 16, 2004.


Kevin B. Callanan